

**MINUTES OF THE
OAK RIDGE CITY COUNCIL**

January 9, 2012

The regular meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 7:00 p.m. on January 9, 2012, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was given by Chaplain Myra Mansfield with the Oak Ridge Police Department.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States of America was given by Leigha Edwards.

ROLL CALL

Upon roll call, the following councilmembers were present: Mayor Thomas L. Beehan, Councilmember Anne Garcia Garland; Councilmember L. Charles Hensley; Councilmember Charles J. Hope, Jr.; Mayor Pro Tem D. Jane Miller; Councilmember David N. Mosby; and Councilmember Ellen D. Smith.

Also present were Mark S. Watson, City Manager; Janice E. McGinnis, Finance Director; Kenneth R. Krushenski, City Attorney; and Diana R. Stanley, City Clerk.

APPEARANCE OF CITIZENS

(NONE)

PROCLAMATIONS AND PUBLIC RECOGNITIONS

Presentation of the 2011 East Tennessee Preservation Award for the "Birth of the City" Monument Project by Mr. Bill Wilcox, City Historian, to the City of Oak Ridge.

City Manager Mark S. Watson swore-in David Harrington, Deputy Chief of Operations, for the City of Oak Ridge Fire Department.

A proclamation designating the week of April 28, 2012 to May 5, 2012 *The Bridge to a Sustainable Future Week.*

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller that the proclamation be adopted. The proclamation carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

The Proclamation was accepted by Pat Fain, Board of Directors for the Oak Ridge Revitalization Effort; Linda Johnston, Chair of the Earth Day Festival; and Leigha Edwards, Protocol and Community Outreach Manager for Oak Ridge National Laboratory.

SPECIAL REPORTS

FY2011 Independent Audit Report from Mr. Ted Hotz with Pugh & Company, P.C.

An overview, with draft numbers, of the FY 2011 Independent Audit Report was presented by Mr. Ted Hotz with Pugh & Company, P.C., to City Council for informational purposes. The City Manager and Mr. Ted Hotz responded to questions from City Council. Mr. Hotz indicated that the final FY 2011 Independent Audit Report is estimated to be completed by the end of January.

Water and Wastewater Rate Study Presentation from Mr. Lamar Dunn with Lamar Dunn & Associates.

A Water and Wastewater Rate Study was presented by Lamar Dunn with Lamar Dunn & Associates to City Council for informational purposes. The City Manager and Mr. Lamar Dunn responded to questions posed by members of City Council.

The water and wastewater ordinance changes will be presented for Council's consideration at the following Council meeting.

Not in Our City Status Presentation.

Kathryn Baldwin, Community Development Director, showed the *Not in Our City Status Presentation* to City Council for informational purposes.

The ordinance changes for the *Not in Our City* program will be presented for Council's consideration at the following Council meeting.

CONSENT AGENDA

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller that the Consent Agenda be approved.

At the request of Councilmember Smith, the following item was removed from the Consent Agenda:

- (d) Adoption of a resolution waiving competitive bids and awarding a contract in the estimated amount of \$42,600.00 to SirsiDynix, Lehi, Utah, to host the Oak Ridge Public Library's database and provide required computer back-ups, upgrades and other as-needed services.

Reverting back to the original motion, the motion was carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," approving the Consent Agenda as presented, thereby:

- Approving the minutes of the December 12, 2011 City Council Meeting.
- Approving the minutes of the December 19, 2011 Oak Ridge Emergency Communication District Board of Directors Meeting.
- Approving the minutes of the December 19, 2011 City Council Special Meeting.

Resolution Removed from Consent Agenda

Resolution 1-1-2012

Adoption of a resolution waiving competitive bids and awarding a contract in the estimated amount of \$42,600.00 to SirsiDynix, Lehi, Utah, to host the Oak Ridge Public Library's database and provide required computer back-ups, upgrades and other as-needed services.

Mayor Pro Tem Miller moved, seconded by Councilmember Hope that the resolution be adopted.

Kathy McNeilly, Library Director, responded to Councilmember Smith's inquiries about the City's annual costs to operate the system by explaining that the costs are essentially broken into three (3) items: annual maintenance of SirsiDynix, a new server, and the migrations costs.

The City Manager further elaborated that the \$42,600 cost is associated with the server for the first year as the subscription price fluctuates throughout its seven-year phase and will be absorbed into the City's budget as an annual cost.

The motion was carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

RESOLUTIONS

Resolution 1-2-2012

Adoption of a resolution authorizing a professional services agreement in the estimated amount of \$82,300.00 with Fulghum, MacIndoe & Associates, Inc., Knoxville, Tennessee, for the design of plans and specifications to construct a sewer line at East Tennessee Technology Park.

Mayor Pro Tem Miller moved, seconded by Councilmember Hensley that the resolution be adopted. After brief deliberation, the resolution was approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Resolution 1-3-2012

Adoption of a resolution to adopt the City of Oak Ridge, Tennessee 2012 State and Federal Legislative Agenda to inform state and federal officials of key projects, policies, and priorities in the City of Oak Ridge and to help secure funding for agreed upon priorities of the community.

Councilmember Hensley moved, seconded by Councilmember Hope that the resolution be adopted.

Amy Fitzgerald, Ph.D., Government and Public Affairs Coordinator for the City of Oak Ridge, reviewed the projects listed on the FY 2013 State and Federal Agenda.

Mayor Beehan requested that the new initiatives on the agendas be marked with a notation to indicate that they are new items on the City's agenda.

Councilmember Smith proposed an amendment to the main motion that would approve the State Agenda as presented, but postpone the approval of the Federal Agenda following a work session that would allow for discussion of the projects listed. Councilmember Smith's motion was seconded by Councilmember Garcia Garland.

Upon inquiry from Mayor Beehan, Dr. Fitzgerald explained that there is a logistical concern with the National Park Legislation on the Federal Agenda, given that the project is progressing quickly. She further explained that for practicality purposes, the publication of the City's Federal and State Agendas are typically printed as one document, but could be printed as two (2) documents if needed.

Bill Nolan, Oak Ridge Consultant, expressed his opinion at the request of Councilmember Hensley that he is supportive of the combined documents as they are concise documents that help to show the City's position on projects.

Mayor Pro Tem Miller requested that her comments, submitted earlier in the day, be incorporated into the Federal Agenda and State Agenda:

(Communication from Mayor Pro Tem Miller)
Suggested Revisions to Legislative Agenda – From Jane Miller

Federal Agenda – UPF Item

Need to advance design work and fund construction in order to break ground in 2012. Benefit: UPF assures the future mission of Y-12 long-term; significant risk reduction to workforce and community; enhances Y-12 efficiencies and reduces long-term costs.

State Agenda Additional Item

Work with the federal government to assure completion of design and start of construction on the Y-12 Uranium Processing Facility to assure the future mission of the Y-12 National Security Complex, one of the state's largest employers
 (End of Communication)

Councilmember Smith's motion to amend the resolution failed by board vote with Councilmembers Hensley, Hope, Mosby, Mayor Pro Tem Miller and Mayor Beehan voting "Nay," and Councilmembers Garcia Garland and Smith voting "Aye."

Mayor Pro Tem Miller explained her reasons for the proposed changes to the Agenda was that Governor Haslam meets with federal officials, so there is coordination and understanding at the federal and state level. She also explained that adjusting the City's language on the Federal Agenda regarding the UPF project is so that it correlates with Y-12's Legislative Agenda. Mayor Pro Tem Miller's motion to amend the Federal and State Agenda, with Mayor Pro Tem Miller's changes, was seconded by Councilmember Smith and approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Councilmember Smith indicated that several items on the Federal Agenda that warranted further discussion. First, Ms. Smith explained that the "Not in Our City Conceptual Plan" and "Oak Ridge Energy Corridor" project items did not adequately explain the City's purpose or action of these projects. She suggested deferring these items to a different document or omitting them altogether. Dr. Fitzgerald suggested broadening the description for each of the items listed, and including Council's related goals.

Next, Councilmember Smith discussed her concerns with the "Horizon Center 69-kv Delivery Point" by explaining that, in her interpretation, the project is significant to the City, but that the verbiage of the project could be conveyed that the City is allowing the Department of Energy (DOE) to abrogate their environmental responsibilities for cost savings. She suggested revising the language to ask for DOE's assistance in providing an adequate infrastructure. She also explained the Recreational and Parks Advisory Board voted unanimously to advise Council to seek an analysis of the recreational impact of that project, as it affects one of the more popular greenways on the west end of Oak Ridge.

The City Manager clarified that this item was more of a local/federal matter, and may not have warranted discussion at the federal level. Ultimately, he explained, this is a request for reindustrialization of the area.

Councilmember Garcia Garland commented that if the issue does not need to be brought to the Federal level, then it could be omitted. Councilmember Garcia Garland moved that the item be removed from the Federal Agenda, which was seconded by Councilmember Smith.

To provide additional information, Margaret Elgin, Electrical Engineering Division Manager for the City of Oak Ridge, discussed the involvement of other organizations with this project, such as Community Reuse Organization of East Tennessee (CROET), DOE, and the City. She explained that the organizations have been working together for years in reviewing alternatives for the power lines, but that the only feasible plan was the use of the patrol road. She explained that the route, proposed and planned by the DOE, contains a substation built by the Electric Department, and that all parties are continuing to participate on this route and discussion has begun on a course of action.

Councilmember Hensley, Hope, Mayor Pro Tem Miller, and Mayor Beehan called for the question.

Councilmember Garcia Garland's motion to amend the main motion by removing the "Horizon Center 69-kv Delivery Point" item from the Federal Agenda failed by board vote with Councilmembers Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Nay" and Councilmembers Garcia Garland and Smith voting "Aye."

Councilmember Smith continued by asking that the "Coalition of Oak Ridge Retired Employees (CORRE)" item include the organization's current goal rather than their previous goal, which was also favored by Councilmember Hensley.

Lastly, Councilmember Smith commented that the "Historic Preservation/Heritage Tourism" items range in significance and that Council might not fully assess the goals of the three items. She pointed out the potential advantages of merging the "Partnership with Oak Ridge Library and ETTP Site Interpretation" items to be broader; thereby, allowing greater flexibility in the City's ability to support revised plans, as well as to

help define a partnership between DOE and the City. Amy Fitzgerald recommended keeping the specific language regarding Fire Station #4 in the language as the City might need assistance moving that initiative forward.

The main motion to approve the City of Oak Ridge, Tennessee 2012 State and Federal Legislative Agenda was approved by voice vote with Councilmembers Hensley, Hope, Mosby, Mayor Pro Tem Miller and Mayor Beehan voting "Aye," and Councilmembers Garcia Garland and Smith voting "Nay."

Councilmember Smith requested, for the record, that her "Nay" vote was cast in relation to the "Horizon Center 69-kv Delivery Point" project and her perceived negative message that it conveys regarding the City of Oak Ridge's attitude toward environmental protection.

Councilmember Hensley responded, for the record, that Council's vote reflected a balanced approach between protecting the environment and doing what the community needs which is trying to get the taxes back into balance.

Resolution 1-4-2012

Adopted a resolution awarding a bid in the estimated amount of \$68,571.75 to Stuart C. Irby, Co., Johnson City, Tennessee, for the furnishing of 15kv intellirupter pulse closer source transfer equipment for use in improving power reliability for Jackson Plaza.

Councilmember Smith moved, seconded by Mayor Pro Tem Miller that the resolution be adopted. Following brief deliberation and clarification from the City Manager, it was explained that the Industrial Development Board made the investment, and that the building is the actual customer, as opposed to the individuals businesses housed there. The motion was approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Beehan voting "Aye."

Mayor Pro Tem Miller was not present during the vote for this resolution.

PUBLIC HEARINGS AND FIRST READING OF ORDINANCE

A public hearing was held on amending the City of Oak Ridge FY 2012 Annual Action Plan of the Community Development Block Grant (CDBG) Entitlement Program for the reallocation of unused funds. (Resolution scheduled for February 13, 2012)

Kathryn Baldwin, Community Development Director, explained that the CDBG reallocation of funds requires a public hearing that cannot be held on the same meeting as the consideration.

A public hearing was held with no citizen participation.

In response to Councilmember Smith's inquiry, Ms. Baldwin explained that the funds presented were from the current year and that the City wishes to reallocate as opposed to sub-allocating, which was an historical done. She explained that the reallocation could be used for the other purposes, such as the *Not in Our City* program.

In discussions with Council, further information was requested on the following:

- Explanation of unused funds for the Scarboro Community Center
- Information on the under-spending of all the categories presented
- Clarification regarding the Code Enforcement Inspector Position unused funds

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Mayor's Appointment: Anderson County Development Corporation (ACDC)

Mayor Beehan explained Mr. David Bradshaw, who was appointed to serve on the ACDC's Board of Directors in December, would be unable to serve as the City's representative on said board as he was recently named Chair of the Oak Ridge Chamber of Commerce which has a designated seat on the ACDC. The Mayor stated that Councilmember Hensley has agreed to serve as the Mayor's appointment.

Mayor Pro Tem Miller moved, seconded by Councilmember Hope that the Mayor's appointment of Councilmember L. Charles Hensley be confirmed to serve as the City of Oak Ridge representative on the Anderson County Development Corporation Board of Directors. The term of the representative will be concurrent with the Mayor's current term.

Confirmation of the Mayor's appointment was approved by voice vote with Councilmembers Garcia Garland, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Councilmember Hensley abstained from voting.

Oak Ridge Convention and Visitors Bureau Hotel/Motel Representative

Diana Stanley, City Clerk, briefly explained the reason for asking for Council's confirmation of Steve Hattangadi to serve on the Oak Ridge Convention and Visitors Bureau (CVB) and informed City Council that Mr. Hattangadi was eager to serve on the board as a hotel/motel representative.

City Manager Mark Watson responded to Councilmember Smith's inquiry about the Convention and Visitors Bureau's hotel/motel appointment by explaining that the third hotel position is a rotation of the hotels in the community. He further stated that Mr. Steve Hattangadi, General Manager (G.M.) of Comfort Inn, is substituting for the former G.M. who was elected in the fall of 2011.

Mayor Pro Tem Miller moved, seconded by Councilmember Hope that Mr. Steve Hattangadi, General Manager of the Comfort Inn, be appointed to serve on the Oak Ridge Convention and Visitors Bureau representing the hotel/motel membership for a term of office ending on December 31, 2012.

Confirmation of the appointment was approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Traffic Safety Advisory Board

Mr. Mark Crider was elected by ballot to the Traffic Safety Advisory Board for the balance of an unexpired term of office ending December 31, 2012. He received the votes of Councilmembers Mosby, Hensley, Hope, and Mayor Beehan. The remaining Councilmembers, Garcia Garland, Smith, and Mayor Pro Tem Miller, voted for Mr. Richard Raridon.

COUNCIL REQUESTS FOR NEW BUSINESS OR FUTURE BRIEFINGS

Councilmember Hensley requested that staff look at aggressive action to revive the mall, particularly with the outcome of Sears, and discuss at a Work Session.

Councilmember Smith noted that some councilmembers had participated in external involvements, such as the Energy Communities Alliance (ECA), but that no updates or reports had been received by Council regarding discussions at these events. The Mayor explained that he had sent out a travel notice explaining about the purpose of a recent ECA trip and that he was going to be elected Chairman of the Executive Board of that organization. He further elaborated that there was a lot of information that was discussed, but nothing that affected the City directly.

Councilmember Smith also proposed scheduling an ad-hoc work session for those interested in discussing ideas and communications, and providing a report back to Council. Concerned about the absence of a city representative at a recent Manhattan Project National Park designation conference call, Councilmember Smith cautioned that the City would be at a disadvantage if not participating in the active discussions and

wanted to make sure that the City is engaged during the process. She noted that those available on Council could participate in discussions if needed.

Mayor Beehan addressed Councilmember Smith's concern by explaining that the City was not given appropriate notice to participate in the conference call by the individuals facilitating the meetings. The Mayor indicated that he has expressed his concerns to the representatives of the Atomic Heritage Foundation about the City not receiving proper notice on meetings and the City not being included during the initial discussions. He concluded by explaining that the ECA is now taking the lead on this project since they represent the governments and communities of the DOE communities. The City Manager added to Mayor Beehan's discussion by explaining that there was a relevance issue with those that were trying to lead the project as they were not from the areas being considered for a National Park designation, but that has been corrected to now include the Manhattan Project sites.

Councilmember Garcia Garland inquired about the scheduling for the next Council retreat, given that the agenda for the January 23, 2012 Work Session was finalized. The City Manager answered that he is awaiting a response from Mr. David Krings concerning his availability for a retreat.

Councilmember Hope asked the City Manager to submit a memo to Council concerning the February 6, 2012 Joint Meeting of the City Council and the School Board. Mr. Watson noted that the City Attorney would be offering a legal opinion regarding the requests from Woodland School, and that the City would be discussing some of the school's and city's CIP matters at the February 6 meeting.

CITY ATTORNEY'S REPORT

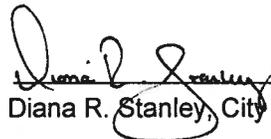
City Attorney Kenneth Krushenski explained that the construction and renovation of the high school was presented to the Oak Ridge voters as a no property tax increase project in all public hearings to discuss the renovation. He added that the revenue from such increase shall be appropriated and expended for the purpose of funding and paying for construction, renovation, purchase of capital equipment, and/or retirement of school construction debt service for the Oak Ridge High School, and at such time as the high school debt service is paid in full.

CITY MANAGER'S REPORT

Mark Watson explained that he would send a communication to Councilmembers' mailboxes about updates on traffic enhancement projects.

ADJOURNMENT

The meeting adjourned at 10:55 p.m.


Diana R. Stanley, City Clerk

APPROVED BY CITY COUNCIL

February 13, 2012


Thomas L. Beehan, Mayor